

Settlement/Hearing: August 1st, 2013
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x
IN RE:

JEFFREY HAMBURG,

Chapter 13
Case No.13-11630 SHL

NOTICE OF SETTLEMENT

Debtor(s)

- - - - -x

FAILURE TO RESPOND MAY LEAD TO A DISMISSAL OF YOUR CASE

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Sean H. Lane, United States Bankruptcy Judge, on the 1st day of August, 2013 at 10:00 A.M. at the United States Bankruptcy Court, U.S. Customs House, One Bowling Green, New York, New York 10004.

Hearings on Objections, if any, to be conducted same date and time in Courtroom 610. Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

OBJECTIONS TO PROPOSED ORDER:

All objections to a proposed order MUST HAVE the settlement date of the original notice typed or written on the first page in the upper right-hand corner of the document.

COUNTER-PROPOSED ORDERS:

All counter-proposed orders should be clearly denominated as such, with the return date of the original proposed order in the upper right-hand corner of the first page. A

copy of the transcript, if a hearing was held, must be submitted with the counter-proposed order.

Dated: White Plains, New York
June 17TH, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Jeffrey Hamburg
P.O. Box 287011
New York, New York 10128

Internal Revenue Service
P.O. Box 8208
Philadelphia, Pennsylvania 19101-8208

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.13-11630 SHL

JEFFREY HAMBURG,

Debtor
-----x

ORDER DISMISSING CHAPTER 13 CASE

The Court finds that cause exists to dismiss this case under
11 U.S.C. §1307(c)(1) in that the debtor has caused unreasonable delay that is prejudicial to
creditors by:

- a. failing to appear at the initial §341(a) meeting of creditors; and
- b. failing to provide all documentation as required by the Chapter 13 trustee.

The Court further finds that cause exists to dismiss this case under
11 U.S.C. §1307 (c)(4) in that the debtor has failed to remit timely payments to the Chapter 13
trustee as required by 11 U.S.C. §1326;

The Court further finds that the debtor has failed to comply with
11 U.S.C. §521(i) by failing to timely file documents as required under 11 U.S.C. §521(a)(1);

The Court further finds that the debtor failed to comply with
11 U.S.C. §521(e)(2)(A)(i) in that the debtor failed to provide the trustee with copies of federal
and state tax returns for the most recent tax year ending immediately before the commencement
of the case, within seven (7) days prior to the meeting of creditors scheduled pursuant to
11 U.S.C. §341(a).

IT IS HEREBY ORDERED THAT:

Pursuant to 11 U.S.C. §§1307 (c)(1, (c)(4), 521(i) and 521(e)(2)(B), this Chapter 13 case is hereby dismissed.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.13-11630 SHL

JEFFREY HAMBURG,

TRUSTEE'S AFFIDAVIT

Debtor(s)

-----x
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on May 17th, 2013.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1), and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file, in part, payment advices and evidence of other payments received within 60 days.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*, copies of federal and state tax returns for the most recent years preceding the commencement of the case, to wit, 2010, 2011 and 2012.
6. The debtor failed to remit timely proposed plan payments to the trustee, having remitted -0- payments, and being, at this juncture, one month in arrears.
7. The debtor failed to appear and be examined at the initial 341(a) meeting of

creditors.

8. The debtor has created unreasonable delay that is prejudicial to creditors.
9. It should be noted that the debtor has filed a prior petition with this Court, to wit, Case No. 12-13951, filed on September 19th, 2012 and dismissed February 19th, 2013.

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
17th day of June, 2013

/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 4836806
Qualified in Westchester County
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No.13-11630 SHL

JEFFREY HAMBURG,

Debtor(s)

- - - - -x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On June 17th, 2013 I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
33 Whitehall Street
New York, New York 10004

Jeffrey Hamburg
P.O. Box 287011
New York, New York 10128

Internal Revenue Service
P.O. Box 8208
Philadelphia, Pennsylvania 19101-8208

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
17th day of June, 2013

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/14